

**IN THE UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE, SITTING AT GREENEVILLE**

UNITED STATES,	)	
	)	
v.	)	Case No. 2:20-CR-65
	)	
EMORY Q. JACKSON.	)	

**MOTION TO COMPEL AND/OR ORDER FORENSIC TESTING**

Comes now Defendant, EMORY Q. JACKSON (hereinafter referred to as “Defendant”), by and through counsel, pursuant to the Fifth and Sixth Amendments to the United States Constitution, Fed. R. Crim. P. 16, and *Brady v. Maryland*, 373 U.S. 73 (1963), and states as follows:

1. On or about August 7, 2020, Johnson City police stopped a vehicle in which Defendant was a passenger and found a firearm in the front console of the vehicle. Defendant has been charged with being a convicted felon in possession of said firearm.

2. Defendant requests that this Honorable Court order the government to conduct both DNA and fingerprint analysis on the firearm for the presence of Defendant’s DNA and fingerprints. The government has access to resources and agencies that can perform cost-effective, technologically sound analysis within a relatively short time frame. Should the Court deem an order directing the government to undertake such testing inappropriate, Defendant would request approval of funds to undertake independent testing, to locate and contract with an independent laboratory, to obtain access to and the ability to test the firearm for DNA and fingerprints, and for sufficient additional time to effectuate such testing.

3. Defendant would argue that denial of his motion would effectively be a denial of access to exculpatory evidence — that his DNA and fingerprints are not on the firearm in question — in violation of his rights to due process, a fair trial, and effective representation under the Fifth and

Sixth Amendments to the United States Constitution, as well as the rights set forth in *Brady v. Maryland*, 373 U.S. 73 (1963) and its progeny.

WHEREFORE, Defendant prays for relief in accordance with this motion, and for such other relief to which he may prove himself entitled.

Respectfully submitted,

s/J. Russell Pryor

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CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other interested parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/J. Russell Pryor

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J. RUSSELL PRYOR